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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/787,002	03/12/2001	Julije Ozegovic		1190
7590	05/03/2005			
Julije Ozegovic Istarska 2 Split, 21000 CROATIA			EXAMINER HARPER, KEVIN C	
			ART UNIT 2666	PAPER NUMBER

DATE MAILED: 05/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Notice of Non-Compliant
Amendment (37 CFR 1.121)**

Application No.

09/787,002

Examiner

Kevin C. Harper

Applicant(s)

OZEGOVIĆ, JULIJE

Art Unit

2666

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 24 January 2005 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☒ 1. Amendments to the specification:
 - ☐ A. Amended paragraph(s) do not include markings.
 - ☐ B. New paragraph(s) should not be underlined.
 - ☒ C. Other See Continuation Sheet.
- ☐ 2. Abstract:
 - ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
 - ☐ B. Other _____.
- ☐ 3. Amendments to the drawings:
 - ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
 - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
 - ☐ C. Other _____.
- ☒ 4. Amendments to the claims:
 - ☒ A. A complete listing of all of the claims is not present.
 - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
 - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
 - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
 - ☐ E. Other: _____.

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflyer.pdf>.

TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted within the time period set forth in the final Office action.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a *Quayle* action.

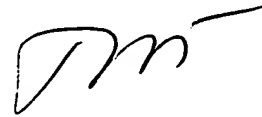
Extensions of time are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action.

Failure to timely respond to this notice will result in:

Abandonment of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action; or

Non-entry of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

Continuation of 1(c) Other: Instructions to change the specification should be direct and unambiguous, and specifically point out the text to be replaced or deleted including the specific location of the desired change (such as page number and location within the page).

A handwritten signature in black ink, appearing to be 'DM' with a long horizontal stroke extending from the 'M'.

WINGSTON
PATENT ATTORNEY

Response to Amendment

1. In the Notice of Acceptance of Application under 35 USC 371 (dated April 21, 2001), section 4 notes that the annexes to the IPER were not entered. Accordingly, claims 1-15 were examined as presented in publication WO 00/21244. MPEP 1893.01(a) gives applicant the opportunity to amend the specification, drawings or claims, if the annex is not entered (see www.uspto.gov/web/offices/pac/mpep/documents/1800_1893_01_a.htm#sect1893.01a). Therefore, the amendment of January 12, 2005, should have shown changes to the claims in relation to the claims of publication WO 00/21244. See also attached US National Stage Worksheet.

2. To amend the specification, the changes should be direct and unambiguous (see Revised Amendment Practice under 37 CFR 1.121, Amendments to Specification at www.uspto.gov/web/offices/pac/dapp/opla/preognotice/textsection2.htm). For example, change #1 listed for the title is proper. However, change #2 should be direct and have wording such as:

On page 1, please replace

DESCRIPTION OF THE INVENTION

with

Julije Ozegovic, Croatian, Istar...

On page 1, please insert before "1. FIELD OF THE INVENTION",

Art Unit: 2666

CROSS REFERENCE TO RELATED APPLICATIONS

P9805...

PCT/HR99/0....

STATEMENT REGARDING FEDERALLY SPON....

Not appli...

...

...

On page 1, please replace

1. FIELD OF THE INVENTION

with

BACKGROUND OF THE INVENTION

Applicant should use the term “paragraph heading” instead of “heading paragraph” for clarity. In change #5, applicant must specifically state the words to replace “4. THE INVENTION ESSENCE EXPOSITION”.

3. Applicant submitted a new abstract as directed by the previous office action. However, the abstract on file is the abstract of publication WO 00/21244 and is proper.

4. Regarding applicant’s statement of entitlement to small entity status, Applicant was given small entity status as noted on page 1 of the Filing Receipt dated June 18, 2001, and charged fees for a small entity.

5. In response the proposed amendments to the claims, examiner suggests the following changes:

Art Unit: 2666

in claim 1, line 1, --A packet switching data communications network-- in place of "Packet switching data communications networks";

in claim 1, at the end of line 6 inserting, --for determining--, and at the end of line 10 inserting --and,-- (note: the proposed claim would be objected to if entered because the packet network must comprise physical structures only). Examiner suggests indenting again the paragraphs beginning with "a hyperbola" and "a current" in order to clearly show that the window-time-space flow control is performing these determination steps.

in claim 1, line, 16, --a terminal that uses said window-- in place of "a terminal that do use said window";

in claim 1, line 20, --a node (201) that uses a method-- in place of "a node (201 that do or do not use a method";

in claim 3, line 1, and in claim 5, line 1, --performs-- in place of "further comprises";

in claim 6, the last line should be included with the previous line and should read --and to deliver extracted parameters to the packet transmitter (101)--;

in claim 7, line 1, --process (103) performs-- in place of "process (103) comprises", and similar changes for claim 8, lines 1-2, claim 10, line 2, claim 11, line 2, claim 12, line 2, and claim 14, line 1;

in claim 9, line 1, --wherein performing sending period in t_0 "(α) expiration comprises-- in place of "where in t_0 "(α) evaluation process (107) with one credit buffer (108) comprises";

Art Unit: 2666

and, rewriting claim 13 to indicate clearly what comprises the capacity signaling process (203), such as, --the node (201) is adapted to forward packets with forwarding process (202) and further comprises, when said total network capacity signaling method is used, a capacity signaling process (203)--.

6. Examiner points out that certain limitations found throughout the claims may be unrelated to patentability, and therefore unnecessarily narrow the scope of the claims, such as in claim 1, lines 18-19, "wherein each packet contains a packet header" (note: an art rejection under 35 USC 102 or 35 USC 103 has not yet been made on the claims).

7. Examiner points out MPEP 2114 (http://www.uspto.gov/web/offices/pac/mpep/documents/2100_2114.htm#sect2114) and MPEP 2173.05 (http://www.uspto.gov/web/offices/pac/mpep/documents/2100_2173_05_g.htm#sect2173.05g) in relation to functional limitations. Applicant may consider drafting method-only claims in addition to, or in place of, the claims presented.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Harper whose telephone number is 571-272-3166. The examiner can normally be reached weekdays from 11:30 AM to 7:00 PM ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema S. Rao, can be reached at 571-272-3174. The centralized fax number for the Patent Office is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

Art Unit: 2666

published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications associated with a customer number is available through Private PAIR only. For more information about the PAIR system, see portal.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kevin C. Harper

April 25, 2005



ENCLOSURE
ENCLOSURE